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Filing date: **09/21/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Defendant Alaris Group, Inc., The
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Date	09/21/2007
Attachments	2007 09 21 Answer_Alaris Select.pdf (4 pages)(143291 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/744,914
For the Service Mark ALARIS SELECT
Published in the Official Gazette on January 23, 2007

_____)	
Cardinal Health 303, Inc.,)	Opposition No. 91/177,234
)	
Opposer,)	
)	Mark: ALARIS SELECT
v.)	
)	
The Alaris Group, Inc.,)	
)	
Applicant.)	
_____)	

ANSWER

Applicant, The Alaris Group, Inc., by and through its attorneys, hereby answers the
Opposition filed by Cardinal Health 303, Inc.

1. Applicant is without information to admit or deny the allegations contained in
Paragraph 1 of the Notice of Opposition.

2. Applicant is without information to admit or deny the allegations contained in
Paragraph 2 of the Notice of Opposition. To the extent that Paragraph 2 states a legal conclusion,
no response is required.

3. Exhibit A to Opposer's Notice of Opposition speaks for itself. Paragraph 3
otherwise states a legal conclusion to which no response is required.

4. Paragraph 4 requires no response. To the extent any of the allegations warrant a
response, they are denied.

5. Paragraph 5 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

6. Paragraph 6 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

7. Paragraph 7 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

8. Paragraph 8 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

9. Paragraph 9 requires no response.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Paragraph 11 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice of Opposition. In addition, Paragraph 12 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

AFFIRMATIVE DEFENSES

13. The Opposition fails to state a claim.

14. The Opposition should be denied based on the doctrines of laches, acquiescence and estoppel.

WHEREFORE, Applicant prays that this Opposition be dismissed and that Applicant's mark be allowed to proceed to registration.

Dated: September 24, 2007

Respectfully submitted,

The Alaris Group, Inc.

By its Attorneys,

September 21, 2007

Date

s/Kristine M. Boylan

Kristine M. Boylan

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Attorneys for the Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER has been served on counsel for Applicant by first class mail, postage prepaid, this 21st day of September, 2007 as follows:

Joseph R. Dreitler
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Date: 9/21/07

Abigail Ries
Abigail Ries

CERTIFICATE OF FILING

I hereby certify that the foregoing APPLICANT'S ANSWER is being filed electronically with the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) on this 21st day of September, 2007.

Date: 9/21/07

Kristine M. Boylan
Kristine M. Boylan